



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/650,699 | 08/29/2003 | Ronald F. Whitehouse | 93139pus | 7697 |
| 6431 | 7590 | 05/22/2006 | EXAMINER | |
| HOFBAUER ASSOCIATES SUITE 205 NORTH 1455 LAKESHORE ROAD BURLINGTON, ON L7S 2J1 CANADA | | | DWIVEDI, VIKANSHA S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3746 | |
| DATE MAILED: 05/22/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,699

Applicant(s)

WHITEHOUSE, RONALD F.

Examiner

Vikansha S. Dwivedi

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

Applicant Information Disclosure Statement submitted on January 30, 2004 is acknowledged. Since the submission complies with 37CFR 1.97 and 1.98 the references listed therein have been considered. An initialed and dated copy of Applicant's IDS form 1449 is attached to the instant Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over E. W. Ellsworth (U.S. Patent number 4,296) in view of Weber (U.S. Patent number 6,892,757).

Ellsworth discloses a ram pump substantially as claimed by the applicant by disclosing waste valve member (Shown in Figure 2) being selectively moveable along a path having a vertical component between said default waste configuration and said closed configuration, with said waste valve member being gravity-biased towards said default waste configuration. Ellsworth does not disclose a check valve member is

Art Unit: 3746

biased towards said ram configuration, wherein said fluid source is substantially horizontally flowable through said pump outlet when said check valve member is in said pump configuration. Weber discloses a check valve member being selectively moveable along a substantially vertical path between said ram configuration and said pump configuration (Shown in Figure 1), with said check valve member being biased towards said ram configuration, wherein said fluid source is substantially horizontally flowable through said pump outlet when said check valve member is in said pump configuration (The arrow P in Figure 2 indicates the direction of flow). Weber does not disclose a substantial horizontal path of the check valve. It is known in the art that check valves are mechanical valves that permit gases/liquids to flow in only one direction, preventing process flow from reversing. The check valve disclosed by the applicant is not gravity biased and in the same fashion the check valve as disclosed by Weber is also independent of gravitational force. The pressure of the fluid impacts the operation of the valve in both the cases, which makes the positioning of the valve irrelevant for its functioning; therefore it can be placed either vertically or horizontally. Furthermore it is well known in the art to place check valves horizontally.

It would have been obvious to one of ordinary skill in the art at time the invention was made to modify the ram pump as disclosed by, Ellsworth, to include a check valve as taught by Weber, in order to advantageously move fluid in the ram pump with a compact and relatively low cost valve and place it horizontally, as a well known position that is conventionally used in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikansha S. Dwivedi whose telephone number is 571-272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy S. Thorpe can be reached on 571-272-4444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSD


CHARLES G. FREAY
PRIMARY EXAMINER